

ESTTA Tracking number: **ESTTA666158**

Filing date: **04/11/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	JPMorgan Chase &Co.
Granted to Date of previous extension	04/12/2015
Address	270 Park Avenue New York, NY 10017 UNITED STATES
Attorney information	Stewart J Bellus Collard and Roe 1077 Northern Blvd Roslyn, NY 11576 UNITED STATES sbellus@collardroe.com Phone:5163659802

Applicant Information

Application No	85727203	Publication date	10/14/2014
Opposition Filing Date	04/11/2015	Opposition Period Ends	04/12/2015
International Registration No.	NONE	International Registration Date	NONE
Applicant	Jynwel Capital Limited 1401 Hutchison House Hong Kong, HONG KONG		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: computer software for use in the fields of finance, accounting and business and record management for use in providing financial services, data transformation, indexing, conversion, storage, retrieval and distribution services; downloadable electronic publications in the nature of books, magazines and newsletters in the fields of finance, accounting and business and record management recorded on computer media accessible via computer databases, the Internet, websites or provided on-line from database or a global computer network; electronic downloadable books, magazine, and newsletters in the fields of finance, accounting and business and record management recorded on computer media
Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: printed matter and printed publications, namely, newspapers, books, journals, magazines, printed periodicals, newsletters, handbooks and directories in the fields of finance, accounting and business and record management
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Accounting services; bookkeeping; busi-

ness auditing; business appraisals; business inquiries; business management; business administration; professional business consultancy; business management and organization consultancy; business research; commercial administration of the licensing of the goods and services of others; commercial or industrial management assistance; business research services, namely, collection, and processing of business and financial information, analysis of research and provision of reports; recording for others on optical, digital and magnetic media for electronic storage; compilation of information into computer databases; drawing up of statements of accounts, namely, account auditing, administration, billing and reconciliation of accounts on behalf of others; document reproduction; economic forecasting; marketing; marketing research; providing office functions; payroll preparation, tax preparation; personnel management consultancy; personnel recruitment; photocopying services; cost price analysis; public relations; tax and taxation planning, advice, information and consultancy services; business auditing and company secretarial services; services consisting of the transcription of written communications and data; message transcription, shorthand; providing statistical information for business or commercial purposes; systemization of information into computer databases; word processing; advisory, consultancy and provision of information in relation to the aforementioned services

Class 036. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Financial asset and portfolio management; asset appraisals in the nature of business appraisals; asset financing services; brokerage of bonds, shares or stocks, commodities and futures and other investment or securities instruments; capital investments; charitable fund raising; charitable fund raising services by means of organizing and conducting special events; financial clearing houses; charitable fundraising services in the nature of collecting funds for charity; financial affairs, namely, financial information, management and analysis services; financial asset evaluation; financial evaluation in the fields of insurance, banking and real estate; financial consultancy; financial information; financial management; financial planning; financial sponsorship of charitable events in the nature of sports, cultural, health, welfare, environment, promotion of economic development, entertainment and educational events; financing services; fiscal assessments; fund investments; management of funds, namely, capital investment funds, private equity funds and venture capital funds; investment services in the fields of private equity fund investment, investment banking and hedge funds investment; investment management; monetary affairs, namely, financial information, management and analysis services; mortgage banking; mutual funds services, namely, establishing mutual funds for others, mutual fund advisory services, mutual fund analysis services, mutual fund brokerage, mutual fund investment, mutual fund planning services; financial services, namely, proprietary trading in commodities, securities, options, futures, equities, and fixed income products in the U.S. and overseas; provision of financial loans for education services, social welfare services, alleviation of poverty, services for the deprived, academic scholarship, community services and other charitable services; real estate affairs, namely, real estate agencies, real estate appraisals and valuation, real estate brokerage, real estate consultation, real estate financing services, real estate investment services, real estate listing services, and real estate management services; financial risk management services; securities brokerage; financial administration of financial securities in securities markets; securities financing; securities investment; management of securities portfolios; financial securities market analysis, research and surveys; securities trading services; financial sponsorship of sports, cultural, entertainment and educational events; services relating to dealings in securities and commodities, namely, financial evaluation, tracking, analysis, forecasting, consultancy, advisory and research relating to securities and commodities; stock exchange quotations; stocks and bonds brokerage; advisory, consultancy and provision of information in relation to the aforementioned services

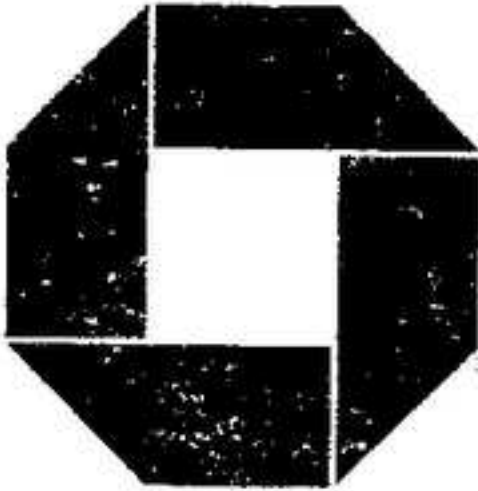
Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

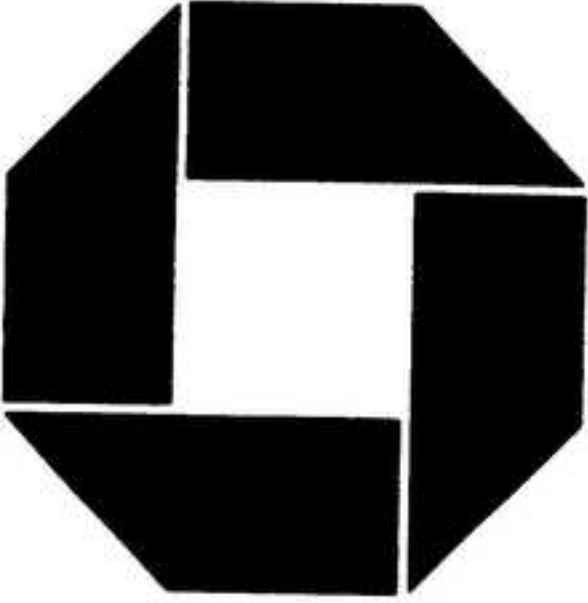
Marks Cited by Opposer as Basis for Opposition

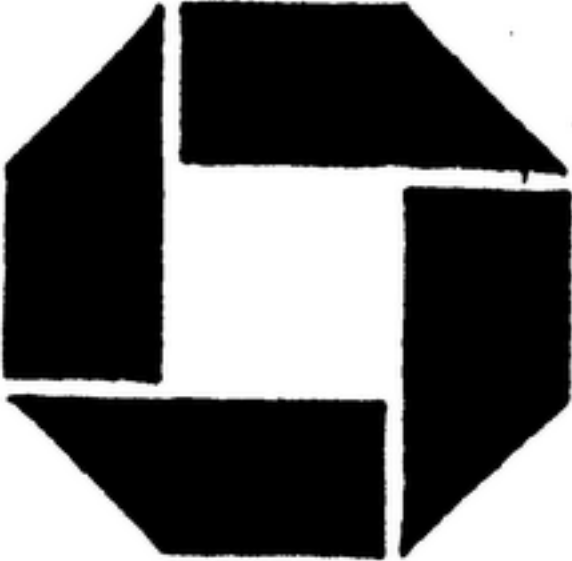
U.S. Registration No.	178714	Application Date	
Registration Date	01/15/1924	Foreign Priority Date	NONE

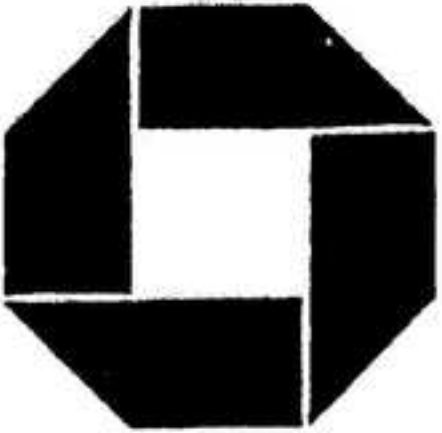
Word Mark	NONE
Design Mark	
Description of Mark	NONE
Goods/Services	


U.S. Registration No.	728870	Application Date	04/14/1961
Registration Date	03/20/1962	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1960/09/07 First Use In Commerce: 1960/09/07 Periodical Bank Reports; Periodical, Economic and Financial Bulletins, Employee Publications Issued Periodically, Leaflets, Pamphlets and Booklets Issued from Time to Time		


U.S. Registration No.	1393977	Application Date	07/03/1984
Registration Date	05/20/1986	Foreign Priority Date	NONE
Word Mark	NONE		


Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 JEWELRY Class 025. First use: First Use: 1968/00/00 First Use In Commerce: 1968/00/00 NECKTIES AND SCARVES		
U.S. Registration No.	2015389	Application Date	11/03/1995
Registration Date	11/12/1996	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 metal key rings, metal key chains and metal key holders</p> <p>Class 008. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 [pocket knives]</p> <p>Class 016. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 playing cards, pens, pencils, pen and pencil sets, highlighting markers, letteropeners, checkbook holders, paperweights, gift bags made of paper, gift wrap sealing stickers, leather desk portfolios and note pads</p> <p>Class 018. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 leather wallets, attache cases, tote bags, duffel bags and umbrellas</p> <p>Class 021. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 non-metal decorative boxes, mugs, acrylic coasters, and plastic sports bottles sold empty</p> <p>Class 024. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 towels</p> <p>Class 025. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 clothing, namely jackets, golf shirts, T-shirts, hats, sweatshirts, shorts and visors</p> <p>Class 026. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 [shoe laces]</p> <p>Class 028. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 tennis balls, golf balls, and golf tees</p>		
U.S. Registration No.	2397063	Application Date	02/16/1999
Registration Date	10/24/2000	Foreign Priority Date	NONE
Word Mark	NONE		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 computer software in the fields of banking and financial services

U.S. Registration No.	3352010	Application Date	09/06/2005
Registration Date	12/11/2007	Foreign Priority Date	NONE
Word Mark	CHASE		
Design Mark			
Description of Mark	The mark consists of THE WORD "CHASE" AND A UNIQUE OCTAGON DESIGN.		
Goods/Services	<p>Class 016. First use: First Use: 2005/03/01 First Use In Commerce: 2005/03/01 [PRINTED MATTER IN THE NATURE OF PUBLICATIONS, NAMELY, MONTHLY AND PERIODIC NEWSLETTERS IN THE FIELDS OF BANKING AND FINANCIAL SERVICES]</p> <p>Class 036. First use: First Use: 2005/03/01 First Use In Commerce: 2005/03/01 BANKING AND FINANCIAL SERVICES, NAMELY, RETAIL BANKING SERVICES INCLUDING DEPOSIT ACCOUNTS, HOME MORTGAGE LENDING AND SERVICING, CREDIT CARD SERVICES, AUTO LENDING AND BANKING, EDUCATION FINANCE, NAMELY, STUDENT LOAN SERVICES AND PROVIDING AND SERVICING LOANS FOR THE PURPOSE OF FINANCING EDUCATIONAL EXPENSES, INSURANCE AGENCY SERVICES, INVESTMENT ADVICE, STOCK BROKERAGE SERVICES, AND FINANCIAL BANKING SERVICES TO SMALL BUSINESSES; FINANCIAL BANKING SUPPORT IN THE FORM OF LOANS FOR COMMUNITY DEVELOPMENT; AND ELECTRONIC COMMERCE PAYMENT SERVICES, NAMELY, ESTABLISHING FUNDED ACCOUNTS USED TO PURCHASE GOODS AND SERVICES ON THE INTERNET</p>		

U.S. Registration No.	3739986	Application Date	07/06/2009
Registration Date	01/19/2010	Foreign Priority Date	NONE
Word Mark	CHASE		
Design Mark			
Description of Mark	The mark consists of the word "CHASE" in black, to the left of a blue octagon containing nickel-colored vertical and horizontal lines dividing the octagon into four equal segments.		
Goods/Services	Class 036. First use: First Use: 2006/06/00 First Use In Commerce: 2006/06/00 BANKING AND FINANCIAL SERVICES		


U.S. Registration No.	3739987	Application Date	07/06/2009
Registration Date	01/19/2010	Foreign Priority Date	NONE
Word Mark	CHASE		
Design Mark			
Description of Mark	The mark consists of the word "CHASE" in white, to the left of a blue octagon containing nickel-colored vertical and horizontal lines dividing the octagon into four equal segments.		
Goods/Services	Class 036. First use: First Use: 2005/10/00 First Use In Commerce: 2005/10/00 BANKING AND FINANCIAL SERVICES		

U.S. Registration No.	3739988	Application Date	07/06/2009
Registration Date	01/19/2010	Foreign Priority Date	NONE
Word Mark	CHASE		


Design Mark	
Description of Mark	
Goods/Services	
	<p>The mark consists of the word "CHASE" with a black surface and nickel-colored depth; an octagon with a blue beveled surface, nickel-colored depth, and nickel-colored lines dividing the octagon into segments; and a three dimensional presentation.</p> <p>Class 036. First use: First Use: 2006/06/00 First Use In Commerce: 2006/06/00 BANKING AND FINANCIAL SERVICES</p>


U.S. Registration No.	3739989	Application Date	07/06/2009
Registration Date	01/19/2010	Foreign Priority Date	NONE
Word Mark	CHASE		
Design Mark			

Description of Mark	The mark consists of the word "CHASE" with a white surface and blue-colored depth; an octagon with a blue beveled surface, nickel-colored depth, and nickel-colored lines dividing the octagon into segments; and a three dimensional presentation.
Goods/Services	Class 036. First use: First Use: 2005/10/00 First Use In Commerce: 2005/10/00 BANKING AND FINANCIAL SERVICES

U.S. Registration No.	4502187	Application Date	01/19/2012
Registration Date	03/25/2014	Foreign Priority Date	NONE
Word Mark	CHASE LIQUID		
Design Mark			
Description of Mark	The mark consists of the word "CHASE" to the right of which is an octagon design, and below which is the word "liquid" in stylized lower-case characters.		
Goods/Services	Class 036. First use: First Use: 2012/07/23 First Use In Commerce: 2012/07/23 Banking and financial services, namely, deposit account services		

U.S. Application No.	86412798	Application Date	10/02/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PAY		

Design Mark	
Description of Mark	The mark consists of a rectangle with curved corners containing an octagon symbol with the word "PAY" appearing underneath horizontally.
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 Banking and financial services, namely, a service that enables consumers to securely access and use multiple payment mechanisms for transacting with participating merchants

U.S. Application No.	86412999	Application Date	10/02/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PAY		
Design Mark			
Description of Mark	The mark consists of a rectangle with curved corners containing an octagon symbol with the word "PAY" appearing to the right of it.		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 Banking and financial services, namely, a service that enables consumers to securely access and use multiple payment mechanisms for transacting with participating merchants		

Attachments	72117844#TMSN.png(bytes) 73488307#TMSN.png(bytes) 75016266#TMSN.png(bytes) 75640950#TMSN.png(bytes)
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	78707242#TMSN.png(bytes) 77774474#TMSN.png(bytes) 77774488#TMSN.png(bytes) 77774502#TMSN.png(bytes) 77774522#TMSN.png(bytes) 85519977#TMSN.png(bytes) 86412798#TMSN.png(bytes) 86412999#TMSN.png(bytes) JPMC v Jynwel.pdf(983424 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/sjb/
Name	Stewart J Bellus
Date	04/11/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X		
JPMorgan Chase & Co.)	
)	
Opposer,)	
)	
)	
v.)	Opposition No.
)	Serial No. 85/727,203
)	(Classes 9, 16, 35 and 36)
Jynwel Capital Limited)	
)	
Applicant.)	
)	
-----X		

NOTICE OF OPPOSITION

In the matter of an application for registration of the trademark JYNWEL CAPITAL + DESIGN for a wide range of goods and services in Classes 9, 16, 35, 36, 37, 41 and 42 filed on September 12, 2012 under Serial No. 85/727,203 by Jynwel Capital Limited ("Applicant"), JPMorgan Chase & Co. ("Opposer") believes it will be damaged by registration of said application and opposes same in classes 9, 16, 35 and 36. The grounds for opposition are as follows:

(BACKGROUND)

1. Opposer is a corporation organized under the laws of Delaware.
2. Opposer is the owner of numerous United States trademark registration for its "OCTAGON LOGO," marks on the following list:

<u>MARK</u>	<u>REG./APPLN. NO.</u>	<u>REG./FILING DATE</u>
OCTAGON	0718714	July 18, 1961
OCTAGON	0728870	March 20, 1962
OCTAGON	1393977	February 25, 1986
OCTAGON	2015389	November 12, 1996
OCTAGON	2397063	October 24, 2000
CHASE + OCTAGON	3352010	December 11, 2007
CHASE + OCTAGON	3739986	January 19, 2010
CHASE + OCTAGON	3739987	January 19, 2010
CHASE + OCTAGON	3739988	January 19, 2010
CHASE + OCTAGON	3739989	January 19, 2010
CHASE LIQUID + OCTAGON	4502187	March 25, 2014
OCTAGON + PAY	86/412798	October 2, 2014
OCTAGON + PAY	86/412999	October 2, 2014

3. Application Serial No. 85/727,203 was filed on September 12, 2012 and was based on an intent to use and foreign priority application.

4. Opposer's rights in its marks date back many decades and are long prior to Applicant's filing date. Therefore opposer has priority.

Count I (Likelihood of Confusion)

5. Opposer incorporates by reference all the allegations contained in paragraphs 1-4 of this Notice of Opposition.

6. The commercial impression of Applicant's mark, particularly the logo element, is very similar to Opposer's marks including its OCTAGON LOGO.

7. Applicant's goods and services, as described in Application Serial Number 85/727,203, are identical or closely related to goods and services on which Opposer uses its marks, as well as goods and services described in Opposer's Registrations.

8. Due to similarities between Opposer's and Applicant's marks and the closely related goods and services upon which those marks are used, there is a likelihood that consumers will be confused, mistaken and/or deceived into believing that Applicant's goods and services emanate from, or in some way are associated or connected with, or sponsored, authorized or warranted by Opposer, all to the detriment of Opposer, and Opposer will be damaged if a registration is granted to Applicant.

Count II (Dilution by Blurring)

9. Opposer incorporates by reference the allegations contained in paragraphs 1-8 of this Notice of Opposition.

10. Opposer is the owner of marks which are famous and distinctive throughout the United States, and have been famous and distinctive long before any rights established by Applicant in the United States. Opposer's marks have been registered, used and advertised throughout the United States, and are widely recognized by consumers and those in the trade as a designation of source for the services of Opposer, and therefore are famous and distinctive marks.

11. Applicant's use of its mark is in violation of Section 43(c) of the Lanham Act in that Applicant is likely to cause dilution and by blurring and creating a likelihood of association with Opposer's marks.

12. Applicant's use of its mark will cause an association arising from the similarity with Opposer's marks that will cause dilution by blurring and impair the distinctiveness of Opposer's marks, all to the detriment of Opposer who will be damaged by Applicant's use of its mark.

WHEREFORE, Opposer requests that this opposition against classes 9, 16, 35 and 36 be sustained and that the requested registration of Applicant's mark in Application Serial Number 85/727,203 in those four classes be denied.

JPMorgan Chase & Co.



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sdorchak@collardroe.com


Attorneys for Opposer JPMorgan Chase & Co.

Date: April 10, 2015

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the forgoing NOTICE OF OPPOSITION has this 10th day of April 2015 has been sent by prepaid First Class Mail to:

James E. Rosini
Jeremy Boczko
Kenyon &Kenyon LLP
One Broadway
New York, NY 10004-1007



Stewart J. Bellus